

# Exhibit A

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*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. 3:10-cv-03561-WHA

**ORACLE AMERICA, INC.'S  
INITIAL DISCLOSURES**

Judge: Honorable William H. Alsup

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Plaintiff Oracle America, Inc. (“Oracle”) hereby makes its initial disclosures. Oracle has made a reasonable and good faith effort to make the initial disclosures provided herein, including providing general descriptions of documents, and identifying persons who may have knowledge of pertinent information, relating to the issues in this action. However, Oracle’s investigation of its claims and defenses in this action is ongoing. Other potential witnesses and/or documents may be identified and become significant as discovery proceeds and as the case develops, and therefore, Oracle reserves the right to supplement these disclosures.

**I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT ORACLE MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES (FED. R. CIV. P. 26(A)(1)(A)).**

The persons Oracle believes are likely to have discoverable information that Oracle may use to support its claims and defenses are:

Name, Address, Telephone	Subject
Greg Bollella Contact through counsel for Oracle	Java development
Roger Calnan Contact through counsel for Oracle	Java development and distribution
Andrew Carr Contact through counsel for Oracle	Java distribution
Safra Catz Contact through counsel for Oracle	Oracle’s business; Oracle’s acquisition of Sun; Java business models, business plans, and associated financial data; license discussions between Oracle and Google
Neal Civjan Contact through counsel for Oracle	Java licensing and sales, including negotiations with Google
Patrick Curran Contact through counsel for Oracle	Java standards, JCP, and open Java
Bill Daly Contact through counsel for Oracle	Oracle financial data
Don Deutsch Contact through counsel for Oracle	Java standards, JCP, and open Java, Java revenues and business
Larry Ellison Contact through counsel for Oracle	History of Oracle; Oracle’s business; Oracle’s acquisition of Sun; Java business models and business plans; license discussions between Oracle and Google
Gustavo Galimberti Contact through counsel for Oracle	Java development, Java licensing, Java distribution and support

	Name, Address, Telephone	Subject
1		
2	Craig Gering	Java development, licensing, and testing
3	Contact through counsel for Oracle	
4	Ivgen Guner	Oracle financial data
5	Contact through counsel for Oracle	
6	Vineet Gupta	Java sales and licensing, including negotiations with Google
7	Contact through counsel for Oracle	
8	Steve Harris	Java development, distribution, licensing, business models, and business plans
9	Contact through counsel for Oracle	
10	Jeannette Hung	Java development
11	Contact through counsel for Oracle	
12	Thomas Kurian	Java development, distribution, licensing, business models, and business plans; license discussions between Oracle and Google
13	Contact through counsel for Oracle	
14	Jacob Lehrbaum	Java licensing and copyrights
15	Contact through counsel for Oracle	
16	Matthew Mayerson	Software distribution
17	Contact through counsel for Oracle	
18	Kerry McGuire	Java business and revenues
19	Contact through counsel for Oracle	
20	John Pampuch	Java VM technology
21	Contact through counsel for Oracle	
22	Bill Pittore	Java VM development
23	Contact through counsel for Oracle	
24	Nandini Ramani	Java Development
25	Contact through counsel for Oracle	
26	Mark Reinhold	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
27	Contact through counsel for Oracle	
28	Hasan Rizvi	Java development, distribution, licensing, business models, and business plans; license discussions between Oracle and Google
29	Contact through counsel for Oracle	
30	Susan Roach	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
31	Contact through counsel for Oracle	
32	Bill Shannon	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
33	Contact through counsel for Oracle	
34	Param Singh	Mobile Java development and business plan
35	Contact through counsel for Oracle	
36	Guy Steele	Java development
37	Contact through counsel for Oracle	
38	Brian Sutphin	Java licensing and business, including negotiations with Google, Java business plans
39	Contact through counsel for Oracle	
40	Lars Bak	Inventor of U.S. Patent No. 6,910,205
41	Google employee	

Name, Address, Telephone	Subject
Nedim Fresko 121 Lincoln Way San Francisco, CA 94122-2717	Inventor of U.S. Patent Nos. 5,966,702 and 7,426,720
Li Gong Mozilla Foundation 650 Castro Street, Suite 300 Mountain View, CA 94041-2072 lgong@mozilla.com	Inventor of U.S. Patent Nos. 6,125,447 and 6,192,476
James Gosling 75 Fox Hollow Lane Redwood City, CA 94062-4158	Inventor of U.S. Patent No. RE38,104
Robert Griesemer Google employee	Inventor of U.S. Patent No. 6,910,205
Richard Tuck 343 Hill Street San Francisco, CA 94114-2916	Inventor of U.S. Patent Nos. 5,966,702 and 6,061,520
Frank Yellin Google employee	Inventor of U.S. Patent No. 6,061,520
Representatives of Google, including witnesses identified in Google's initial disclosure	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Joshua Bloch Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Dan Bornstein Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Bill Buzbee Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Eric Chu Google employee	Java license negotiations between Google and Sun
Gregorz Czajkowski Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Tim Lindholm Google employee	Java license negotiations between Google and Sun
Rich Miner Google employee	Java license negotiations between Google and Sun

Name, Address, Telephone	Subject
Larry Page Google employee	Knowledge of Oracle's Java-related intellectual property; Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues; license discussions between Google and Oracle
Andy Rubin Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, revenues, and license negotiations between Google and Oracle
Eric Schmidt Google employee	Java development; knowledge of Oracle's Java-related intellectual property; Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues; license discussions between Google and Oracle
Representatives of manufacturers and distributors of Android devices	Android distribution, revenues, infringement
Alan Brenner RIM/Blackberry employee	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Ethan Beard Facebook employee	Java license negotiations between Google and Sun
Rich Green Nokia employee	Java development, distribution, licensing, business models, business plans, patent rights and copyrights

## II. DOCUMENTS (FED. R. CIV. P. 26(A)(1)(B)).

Oracle discloses and describes by category the following documents, electronically-stored information, data compilations and tangible things that are or may be in the possession, custody or control of Oracle that Oracle currently and reasonably believes it may use to support its claims or defenses:

1. U.S. Patent No. 6,125,447 and related files.
2. U.S. Patent No. 6,192,476 and related files.
3. U.S. Patent No. 5,966,702 and related files.
4. U.S. Patent No. 7,426,720 and related files.
5. U.S. Patent No. RE38,104 and related files.

6. U.S. Patent No. 6,910,205 and related files.
7. U.S. Patent No. 6,061,520 and related files.
8. U.S. Certificate of Copyright Registration for J2SE 1.4, the copyrighted work, and related files.
9. U.S. Certificate of Copyright Registration for J2SE 5.0, the copyrighted work, and related files.
10. U.S. Certificate of Supplemental Copyright Registration for J2SE 5.0 and related files.
11. Documents evidencing the conception, development, reduction to practice, and design of the inventions claimed by the patents at issue.
12. Documents relating to the history and development of the Java platform.
13. Java releases and related documentation.
14. Documents evidencing sales, distribution, deployment, and use of Java products.
15. Java-related contracts, licenses, and pricing models.
16. Sun and Oracle Java business plans and financial results.
17. Documents evidencing Google's knowledge of the Sun patent portfolio, including documents relating to licensing of the Java IP rights by Google and Google's participation in the Java Community Process.
18. Android releases and related documentation.
19. Google marketing, advertising, and press releases, and statements regarding Android, Android devices, Android distribution and deployment, and revenues attributable to Android.
20. Public and third-party reports, releases, and statements regarding the distribution and deployment of Android devices, and the impact of Android and Android devices on the use, distribution, and deployment of the Java platform and Java devices.

21. Documents relating to each type and category of damages described in Section III below, including license fees, revenue from and profitability of Java and related Oracle businesses, and Oracle's and Google's business models for the relevant lines of business.

The above documents are maintained primarily at one or more Oracle locations in California (Santa Clara, Redwood Shores, and Menlo Park) and Broomfield, Colorado, depending on the location of the various individuals identified above.

**III. INITIAL DISCLOSURES REGARDING COMPUTATION OF DAMAGES (FED. R. CIV. P. 26(A)(1)(C)).**

Oracle has not completed its calculation for monetary damages as it will require expert evaluation of information in Google's possession. When available, documents and information will be provided in conformity with Fed. R. Civ. P. 26(a)(2) and/or any relevant Orders entered by the Court.

Based on information currently available to Oracle, Oracle seeks compensation for all damages caused by Google's infringing activities, including recovery of profits Oracle would have made without the infringement, disgorgement of profits made by Google that are attributable to the infringement, and/or award of the fair market value of a license for the rights infringed. Such compensation may include at least (1) harm to the profits of Oracle's Java business caused by Google's infringing activities, including lost license fees; (2) harm to Oracle's business model and strategy relating to Java and the importance of minimizing "forks" in Java; (3) harm to Oracle's reputation and goodwill; (4) harm to Oracle profits from the sales or licenses of other software or hardware products reasonably related to or stemming from Oracle's Java business; (5) the amount a willing buyer would have been reasonably required to pay a willing seller in a hypothetical negotiation for a license to the infringed intellectual property at the time of the infringement; and/or (6) all Google profits directly or indirectly attributable to the infringement, including profits from advertising, search and other revenue through use of the Android platform on mobile devices. Because Google's infringement has been willful and intentional, Oracle is entitled to recover treble damages, pursuant to 35 U.S.C. § 284.



Oracle is entitled to actual damages for Google's use of Oracle's copyrighted works, together with Google's profits attributable to the infringement, computed by subtracting from Google's gross revenue any deductions established by Google for deductible expenses or the elements of profit attributable to factors other than the infringed work. 17 U.S.C. § 504(b). Regarding Google's revenue from its Android business, Google's CEO Eric Schmidt has said "Trust me that revenue is large enough to pay for all of the Android activities and a whole bunch more." Google will disclose information regarding its revenues and expenses attributable to Android during discovery. At a minimum, Oracle is entitled to statutory damages, pursuant to 17 U.S.C. § 504(c).

In addition, Oracle is entitled to recover the costs of suit, prejudgment interest, and attorney's fees under 35 U.S.C. § 285. These costs, expenses and further relief cannot be computed until the conclusion of this suit.

**IV. INITIAL DISCLOSURES REGARDING INSURANCE  
(FED. R. CIV. P. 26(A)(1)(D)).**

Oracle is unaware of any insurance agreement under which an insurance business may be liable to satisfy all or part of a judgment in this action or to indemnify or reimburse for payments made to satisfy any judgment.

Dated: December 2, 2010

MICHAEL A. JACOBS  
MARC DAVID PETERS  
MORRISON & FOERSTER LLP

By: /s/ Marc David Peters

*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

**CERTIFICATE OF SERVICE**

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 755 Page Mill Road, Palo Alto, California 94304-1018. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on December 2, 2010, I served a copy of:

**ORACLE AMERICA, INC.'S INITIAL DISCLOSURES**

**BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)]** by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

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1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed at Palo Alto, California, this 2nd day of December, 2010.

3  
4  
5 Richard S. Ballinger  
6 (typed)

/s/ Richard S. Ballinger  
7 (signature)